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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,399	02/15/2002	Shinichi Matsumoto	03500.016189	7211
5514	7590	01/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ALAM, SHAHID AL	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/075,399	Applicant(s) MATSUMOTO, SHINICHI	
	Examiner Shahid Al Alam	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 7 - 10, 12, 17, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7 - 10, 12, 17, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 5, 7 – 10, 12, 17, 26 and 28 are pending in this Office action.

Response to Arguments

2. Applicant's arguments filed October 27, 2005 have been fully considered but they are not persuasive for the following reasons.

Applicant argues Kariya does not teach manage position information of a PDA device as a movement history and DeLorme's system does not teach manage position information of a PDA device as a movement history.

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

This is a 35 USC § 103 rejection with Kariya and DeLorme reference. In the previous rejection, Examiner rejected claims by stating that Kariya does not explicitly teach the position information of the PDA device and as such arguments are moot, but DeLorme discloses claimed use information includes positional information of said personal assistant device (column 14, lines 41 – 45 and Fig 1A4; please note that in Figure 1A4 has POSITION information, DIRECTIONS information, NAVIGATIONAL information).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine DeLorme with Kariya to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related database whenever the desktop PC and handheld PDA link together (column 4, lines 21 – 26; DeLorme). Since, Kariya's database of the regional information center serves a plurality of base station, it would have been obvious to combine to simplify the management and to reduce the cost of the regional information system (see column 8, lines 9 – 12; Kariya).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 17, 26 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant amended claims by deleting some of claimed subject matters and adding “**a movement history**”. These new claim limitations are not supported by the specification.

The instant specification teaches history data, but nowhere in the specification teaches a movement history or just the term “movement”.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7 – 10, 12, 17, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,774,803 issued to Kazuo Kariya ("Kariya") and in view of U.S. Patent Number 6,321,158 issued to David DeLorme et al. ("DeLorme").

With respect to claims 5, 17, 26 and 28, Kariya teaches a service information distribution device for distributing service information to a personal digital assistant (PDA) device (see abstract), comprising:

a management unit adapted to manage information of the personal digital assistant (PDA) device (column 6, lines 40 – 48 and column 7, lines 6 – 11);

a selection unit adapted to select a PDA device to which the service information should be distributed on the basis of the history managed by said management unit (column 2, lines 49 – 56, column 3, lines 11 – 15 and 39 – 45); and

a distribution unit adapted to distribute the service information to the selected PDA device (column 6, lines 40 – 48).

Kariya teaches claimed invention substantially as claimed including regional information and zone information. Kariya does not explicitly teach the position information of the personal assistant device as claimed.

DeLorme discloses claimed use information includes positional information of said personal assistant device (column 14, lines 41 – 45 and Fig 1A4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine DeLorme with Kariya to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related database whenever the desktop PC and handheld PDA link together (column 4, lines 21 – 26; DeLorme). Since, Kariya's database of the regional information center serves a plurality of base station, it would have been obvious to combine to simplify the management and to reduce the cost of the regional information system (see column 8, lines 9 – 12; Kariya).

As to claim 7, selection unit selects the PDA device to which the service information should be distributed, on the basis of a frequency for dropby of each zone by each PDA device (column 2, lines 53 – 62; Kariya).

As to claim 8, the service information includes congestion degree information (column 1, lines 59 – 61 and column 3, lines 21 – 28; Kariya).

As to claim 9, the service information includes at least one of information regarding sale of an article, advertisement distribution, reservation, hall guidance, opening of an event and an attraction, suitable for said PDA device (column 5, lines 8 – 11; DeLorme).

As to claim 10, distributes the selected service information in response to request from said PDA device (column 6, lines 50 – 53; DeLorme).

As to claim 12, said management unit also manages accounting information for a user of the PDA device (column 2, lines 17 – 28; Kariya).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shahid Al Alam
Primary Examiner
Art Unit 2162

January 6, 2006